

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION**

CHRISTOPHER WAYNE GARNER,)

Plaintiff,)

vs.)

1:05-cv-01212-SLB-JEO

FAYETTE COUNTY SHERIFF'S)

DEPARTMENT, et al.,)

Defendants.)

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on July 19, 2005, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed under 28 U.S.C. § 1915A(b) for failing to state a claim for which relief can be granted. No objections have been filed.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the court is of the opinion that the magistrate judge's report is due to be and is hereby **ADOPTED** and the recommendation is **ACCEPTED**. Accordingly, the complaint is due to be dismissed for failing to state a claim for which relief can be granted pursuant to 28 U.S.C. § 1915A(b). A Final Judgment will be entered.

DATED, this 23rd day of August, 2005.



SHARON LOVELACE BLACKBURN
UNITED STATES DISTRICT JUDGE